

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CAREER COLLEGES & SCHOOLS
OF TEXAS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION; MIGUEL CARDONA,
in his official capacity as the Secretary
of Education,

Defendants.

Case No. 1:23-cv-00433-RP

**PLAINTIFF’S OPPOSED EMERGENCY MOTION FOR TEMPORARY
ADMINISTRATIVE INJUNCTION STAYING THE EFFECTIVE DATE OF THE RULE**

In light of the impending July 1, 2023, effective date of the rulemaking at issue in this case, *see* 87 Fed. Reg. 65904 (Nov. 1, 2022) (“Rule”), and in order to allow the Court the necessary time to resolve CCST’s motion for preliminary injunction (ECF No. 23), Plaintiff CCST respectfully requests that the Court enter a temporary administrative injunction staying the effective date of the Rule until the Court enters an order deciding the motion. *See* 5 U.S.C. § 705; Fed. R. Civ. P. 62(d); *S. L. V. v. Rosen*, No. SA-21-CV-0017-JKP, 2021 WL 243442, at *7 (W.D. Tex. Jan. 25, 2021) (finding administrative stay of removal order appropriate while determining the court’s jurisdiction); *Republican Nat’l Comm. v. Pelosi*, No. CV 22-659 (TJK), 2022 WL 1604670, at *1 (D.D.C. May 20, 2022) (granting a “brief administrative injunction,” despite deciding that an injunction pending appeal was unwarranted, so the plaintiff could seek relief from the Court of Appeals); *Trump v. Thompson*, No. 21-5254, 2021 WL 5239098, at *1

(D.C. Cir. Nov. 11, 2021) (granting an emergency motion for administrative injunction in order “to protect the court’s jurisdiction”); *see also All. for Hippocratic Med. v. U.S. Food & Drug Admin.*, No. 2:22-CV-223-Z, 2023 WL 2825871, at *32 (N.D. Tex. Apr. 7, 2023) (staying the effective date of challenged agency actions, and also staying the stay so the Government could seek appellate relief). A temporary injunction is warranted for all of the reasons stated in CCST’s briefs supporting that motion. *See* ECF Nos. 24, 64. Finally, a very brief stay of the effective date of the Rule will not unduly prejudice Defendants.

Plaintiff has conferred with Defendants, who oppose this motion.

Dated: June 27, 2023

Respectfully submitted,

/s/ Allyson B. Baker
Allyson B. Baker (*pro hac vice*)
Meredith L. Boylan (*pro hac vice*)
Stephen B. Kinnaird (*pro hac vice*)
Michael Murray (*pro hac vice*)
Sameer P. Sheikh (*pro hac vice*)
Tor Tarantola (*pro hac vice*)
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20037
Telephone: (202) 551-1830
Fax: (202) 551-0330
Email: allysonbaker@paulhastings.com

Philip Vickers (TX Bar No. 24051699)
Katherine Hancock (TX Bar No. 24106048)
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, TX 76102
Telephone: (817) 877-2800
Fax: (817) 877-2807
Email: pvickers@canteyhanger.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system on June 27, 2023.

/s/ Allyson B. Baker
Allyson B. Baker